



BOARD OF COUNTY COMMISSIONERS SHELBY COUNTY, TENNESSEE

AGENDA

Monday, February 23, 2009

*Commissioner David Lillard, Chairman
Commissioner Deidre Malone, Chairman Pro Tempore
Commissioner Joyce Avery
Commissioner Henri E. Brooks
Commissioner Wyatt Bunker
Commissioner Mike Carpenter
Commissioner Sidney Chism*

*Commissioner George Flinn
Commissioner Joe Ford
Commissioner J.W. Gibson II
Commissioner James Harvey
Commissioner Steve Mulroy
Commissioner Mike Ritz*

5/18/2010 5:52 PM

1:30 PM

COMMISSION CONVENES

CALL TO ORDER

Chairman David Lillard

OPENING OF THE COMMISSION

Deputy Sheriff

INVOCATION

**Reverend Charlie Reese
Rising Sun Missionary Baptist Church**

PLEDGE OF ALLEGIANCE

ROLL CALL

[Approval of Minutes of Previous Session
February 9, 2009](#)

CONSENT AGENDA

Resolutions of Memorial, Sympathy and Commendation

Ordinances

CHISM
Chairman, Law
Enforcement
Committee

1. [ORDINANCE - FIRST READING - An Ordinance by the Shelby County Board of Commissioners amending the Shelby County Fire Code, as adopted by the Shelby County Board of Commissioners in Ordinance # 251 on September 10, 2001, so as to make certain changes as hereinafter set out and establish an effective date therefore. Ordinance sponsored by Commissioner Chism. \(DEFERRED TO 03/16/09\)](#)

Zoning and Subdivisions

RITZ
Chairman,
Land Use
Committee

2. [Resolution to approve various subdivision contracts, plats, extensions, etc. as recommended by the County Engineer. a\) Resolution to approve the plat for Daseler Subdivision \(S08-019 CC\) and authorize the recording of the plat. Sponsored by Commissioner Mike Ritz b\) Resolution to approve the plat for Joshua Jones Subdivision \(S 08-010 CO\) and authorize the recording of the plat. Sponsored by Commissioner Mike Ritz](#)

Reports and/or Resolutions for Standing Committees

BUNKER
Chairman,
Public Works
Committee

3. [Resolution approving Work Order under master agreement with CS3, Inc. for the provision of energy and maintenance services at the Shelby County Criminal Justice Center; and this item requires expenditure of County CIP funds in the amount of \\$499,510.00 from the FY 2008-2009 Budget for CIP number 101505, Criminal Justice](#)

Center. Sponsored by Commissioner Wyatt Bunker.

BUNKER
Chairman,
Public Works
Committee

4. A resolution to approve a Safe Routes to School Grant agreement in the amount of \$249,583.00 with the Tennessee Department of Transportation for walkways at the Highland Oaks Elementary School. Sponsored by Commissioner Wyatt Bunker.

BUNKER
Chairman,
Public Works
Committee

5. Resolution approving an amendment to the lease agreement with Petty Real Estate, Inc., as approved by the Board of Commissioners of the Memphis and Shelby County Port Commission on January 22, 2009. Sponsored by Commissioner Wyatt Bunker.

AVERY
Chairman,
Hospitals and
Health
Committee

6. Resolution approving an amendment to the operating budget of the Memphis and Shelby County Health Department for the receipt of funds for the Air Pollution 105 Grant Program and appropriating said funds in the amount of \$90,500 for Mobile Source Outreach Assistance. Resolution sponsored by Commissioner Joyce Avery. (AMENDED IN COMMITTEE 2/18/09)

AVERY
Chairman,
Hospitals and
Health
Committee

7. A resolution approving an amendment to the FY2008-2009 operating budget of the Healthy Start Initiative Grant Program in the amount of \$249,713.00 and an amendment to the FY2008-2009 position control budget and appropriating said funds. This item requires the expenditure of Federal Grant funds in the amount of \$249,713.00. Resolution sponsored by Commissioner Joyce Avery. (AMENDED IN COMMITTEE 2/18/09)

CARPENTER
Chairman,
Conservation
Committee

8. Resolution approving the lease of 710 acres of Chickasaw Basin Authority property, located within the City Of Millington, to Sneed Farms, Inc. for agricultural and pasturage operations for annual rental in the amount of \$75,000.00 and authorizing the Shelby County Mayor to execute the

**Agricultural Lease Agreement. Sponsored by
Commissioner Wyatt Bunker.**

**FORD
Chairman,
General
Government
Committee**

9. Resolution receiving and filing the oath of office for the Honorable Lee Wilson for the position of Shelby County General Sessions Criminal Court Judge for Division 10. Sponsored by Commissioner Joe Ford.

**FLINN
Chairman,
Delinquent Tax
Property
Committee**

10. Resolution approving a sale price reduction on the county's sale of one Delinquent Tax Parcel, acquired from Shelby County Trustee Tax Sale No. 0203 and sold to Trustees New Life Church Of Memphis Pursuant to T.C.A. §67-5-2507, and authorizing the Shelby County Mayor to execute all documents necessary to affect this sale price reduction and to refund Trustees New Life Church Of Memphis \$10,000.00 of the purchase price paid for said property; and amending the FY 08-09 budget. Sponsored by Commissioner Sidney Chism.

**FLINN
Chairman,
Delinquent Tax
Property
Committee**

11. Resolution rescinding the sale of one county owned delinquent tax parcel, acquired from Shelby County Trustee Tax Sale No. 0203 and sold to Family Farmer's Cooperative, International, pursuant to T.C.A. 67-5-2507, and authorizing the Shelby County Mayor to execute all documents necessary to refund the sale price to Family Farmer's Cooperative, International the purchase price of \$10,000.00 paid for said property; and amending the FY08-09 Budget. Sponsored by Commissioner Henri Brooks.

REGULAR AGENDA

Elections, Appointments, and Confirmations

**FORD
Chairman,**

12. Resolution approving the County Mayor's nomination of Berlin F. Boyd for appointment to the

General
Government
Committee

[Shelby County Health, Education and Housing
Facility Board. Sponsored by Commissioner Joe
Ford.](#)

FORD
Chairman,
General
Government
Committee

13. [Resolution approving the County Mayor's
nomination for the appointment of Davida Cruthird
to the Memphis and Shelby County Industrial
Development Board. Sponsored by Commissioner
Joe Ford.](#)

FORD
Chairman,
General
Government
Committee

14. [Resolution approving the County Mayor's
nomination of Al Bright, Jr. for reappointment to
the Memphis and Shelby County Community
Redevelopment Agency. Sponsored by
Commissioner Joe Ford.](#)

FORD
Chairman,
General
Government
Committee

15. [Resolution electing an interim county
commissioner for District 4, Position 3 pursuant to
Tennessee Constitution, Article VII, § 2; Tennessee
Code Annotated § 5-5-102\(i\); and Shelby County
Charter, Art. II, § 2.11. Sponsored by Chairman
Deidre Malone.](#)

- a) [Resolution amending a Resolution entitled
"Resolution to approve appointments by Chairman
Deidre Malone of Officers and Members of the
Standing Committees of the Shelby County Board
of Commissioners for 2008/2009" adopted
September 22, 2008. Sponsored by Chairman
Deidre Malone.](#)

Ordinances

Zoning and Subdivisions

RITZ
Chairman,
Land Use
Committee

16. [CASE NO. P.D. 08-331 CC](#)

APPLICANT: Turley, L.P. (LTD)/Edward Rose
Properties, Inc.

LOCATION: East side of Forest Hill-Irene Road; +/- 597 feet north of East Shelby Drive

REQUEST: Planned development amendment to allow 432 multi-family residential apartments and 140 independent living apartment units.

RECOMMENDATIONS:

Memphis and Shelby County Office of Planning and Development:

APPROVAL WITH CONDITIONS

Memphis and Shelby County Land Use Control Board:

APPROVAL WITH CONDITIONS

(Notice of public hearing published in the Daily News on Friday, February 13, 2009.)
(AMENDED IN COMMITTEE 2/18/09)

**RITZ
Chairman,
Land Use
Committee**

17. [CASE NO. P.D. 08-332 CC](#)

APPLICANT: PEMEX Inc. (Haitham Alyousef)

LOCATION: Northwest corner of Lowrance Road and Stansell Court

REQUEST: Amend Parcel 11 to permit a religious institution with day care, meeting space, lighted recreation fields and a tower.

RECOMMENDATIONS:

Memphis and Shelby County Office of Planning and Development:

APPROVAL WITH CONDITIONS

Memphis and Shelby County Land Use Control Board:

APPROVAL WITH CONDITIONS

(Notice of public hearing published in the Daily News on Friday, February 13, 2009.)

RITZ
Chairman,
Land Use
Committee

18. [CASE NO. P.D. 08-333 CC](#)

APPLICANT: Dancy Investment

LOCATION: Southwest corner of Dexter Road and
Appling Road

REQUEST: Planned development amendment to
allow a commercial-indoor amusement facility for
ice hockey in Area 'C' of the Outline Plan

RECOMMENDATIONS:

Memphis and Shelby County Office of Planning and
Development:

APPROVAL WITH CONDITIONS

Memphis and Shelby County Land Use Control
Board:

APPROVAL WITH CONDITIONS

(Notice of public hearing published in the Daily
News on Friday, February 13, 2009.)

**Reports and/or Resolutions for Standing
Committees**

BROOKS
Chairman,
Legislative
Committee

19. [Resolution of the Board of County Commissioners
of Shelby County, Tennessee, endorsing
conversion to optiscan voting technology;
requesting the Tennessee General Assembly
support legislation amending the Tennessee Voter
Confidence Act of 2007 relative to election
procedures and equipment or, in the alternative,
that the State Division of Elections promulgate
appropriate regulations or show proper flexibility in
its enforcement of state requirements. Sponsored
by Commissioner Steve Mulroy.](#)

BROOKS
Chairman,
Legislative

20. [Resolution by the Board of Commissioners of
Shelby County, Tennessee, requesting the
members of the Tennessee General Assembly](#)

Committee

support legislation amending Tennessee Code Annotated, Title 8, Chapter 44, relative to the Open Meetings requirement for civil service merit boards. Sponsored by Commissioner Joe Ford.

**BROOKS
Chairman,
Legislative
Committee**

21. Resolution by the Board of Commissioners of Shelby County, Tennessee approving proposed legislation and requesting the members of the Tennessee General Assembly support legislation amending Tennessee Code Annotated, Title 40, Chapter 35, relative to enhanced sentencing for repeat felony and misdemeanor offenders. Sponsored by Commissioner Mike Ritz. (AMENDED IN COMMITTEE 2/18/09)

**BROOKS
Chairman,
Legislative
Committee**

22. Resolution requesting the Shelby County Delegation and Tennessee General Assembly support legislation amending Tennessee Code Annotated Title 39 and Title 40, Chapter 6, relative to the illegal possession of firearms, commission of crimes with the use of firearms and the offenders who commit such crimes. Sponsored by Commissioner Steve Mulroy. (REFERRED BACK TO COMMITTEE)

**BROOKS
Chairman,
Legislative
Committee**

23. Resolution requesting the Shelby County Delegation and Tennessee General Assembly support legislation entitled the Endangered Missing Senior Alert Act and amending Title 38, Chapter 6, Part 1 of the Tennessee Code Annotated. Sponsored by Commissioner Mike Carpenter.

**RITZ
Vice-Chairman,
Budget and
Finance
Committee**

24. Resolution to amend the compensation policy adopted by Resolution #32 on July 21, 2008, to authorize a one time stipend of one percent of the base salary for eligible employees to be paid on or about January 31, 2009, and to authorize the mayor to amend the FY 2009 budget as necessary to provide these payments. The cost will be approximately \$3.5 million in total and \$2.4 million to the general fund. Sponsored by Chairman

Deidre Malone. (WITHDRAWN)

BUNKER
Chairman,
Public Works
Committee

25. Resolution approving a Temporary Access Agreement with Security Signals, Inc., allowing its access to certain areas of the rights-of-way of Big Orange Road and Cordova Park Road for environmental investigation and/or remediation work and authorizing the Shelby County Mayor to execute the Temporary Access Agreement. Sponsored by Commissioner Wyatt Bunker. (DEFERRED TO 03/16/09)

HARVEY
Chairman,
Economic
Development
Committee

26. Resolution by the Board of Commissioners of Shelby County, Tennessee approving policy and program changes to the Industrial Development Board of the City of Memphis and County of Shelby's Payment In Lieu Of Tax (PILOT) Program and authorizing any necessary amendments to its corporate charter. Sponsored by Commissioner James Harvey. (AMENDED IN COMMITTEE)
- a) Resolution declaring the intent of the Shelby County Board of Commissioners to sell the County's interest in the MidSouth Coliseum Arena and the Liberty Bowl real property to the City of Memphis for fair market value and request that the proceeds be designated to fund Memphis City Schools' programs for the overage students and homeless children populations. Request that the County Mayor's Administration seek to transfer said properties and authorizing the County Mayor to execute Quit Claim Deeds and other necessary documents. Sponsored by Commissioner Henri Brooks. (REFERRED BACK TO COMMITTEE)

Announcements/Statements

27. Notification from County Mayor of appointments/reappointments to various Boards, Commissions, and offices of Shelby County Government. a) Resolution approving the county mayor's nomination of Lauren Taylor for appointment to the Shelby County Conservation

board. Sponsored by Commissioner Joe Ford. b) Resolution approving the county mayor's nomination of Dwayne M. Matthews for appointment to the Memphis and Shelby County Music Commission. Sponsored by Commissioner Ford. c) Resolution approving the county mayor's nomination of Whit Greenway and John Saucier for reappointment to the Memphis and Shelby County Mechanical/Gas Code Board. Sponsored by Commissioner Joe Ford. d) Resolution approving the county mayor's nomination of Jon McCreery for reappointment to the Memphis and Shelby County Land Use Control Board. Sponsored by Commissioner Ford.

Adjournment

28. [Resolution of adjournment to Monday, March 16, 2009 at 1:30 p.m.](#)